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DIVISION OF REGIONAL OFFICES
SYRACUSE REGIONAL OFFICE

December 19, 2022

Hon. Brenda K. Sannes
Chief U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse NY 13261-7336

Re: *Gazzola, et al. v. Hochul, et al.*
Index No.: 1:22-cv-1134

Dear Judge Sannes:

During a November 10, 2022 telephone conference with the Court, the Court directed that Defendants' deadline to answer Plaintiffs' Complaint was stayed, pending briefing on Plaintiffs' motion for injunctive relief. See, Text Minute Entry dated November 10, 2022. On November 21, 2022, Magistrate Judge Daniel Stewart granted the parties' joint request to adjourn the Rule 16 initial conference and the deadlines for a proposed Civil Case Management Plan and exchange of Rule 26 disclosures. (ECF No. 28). Those deadlines were adjourned without date.

After oral argument on December 1, 2022, the Court issued a Text Order on December 2, 2022, and subsequently filed a Memorandum-Decision and Order on December 7, 2022, denying Plaintiffs' motion for a temporary restraining order and denying Plaintiffs' motion for a preliminary injunction. (ECF No. 42).

Plaintiffs filed a notice of appeal on December 2, 2022, following the Court's text order. (ECF No. 38). Plaintiffs further filed an "emergency motion" to the Second Circuit Court of Appeals on December 6, 2022. (ECF No. 41). That motion is still currently pending.

On December 16, 2022, a Docket Text notice was posted that Defendants' deadline to answer the complaint is December 21, 2022. In light of the proceedings pending before the Second Circuit, Defendants now respectfully request that the District Court stay all further deadlines in this matter until the resolution of the pending appeal. Plaintiffs' counsel has no objection to this request.

Respectfully,

/s/ Aimee Cowan
Aimee Cowan, Esq.
Assistant Attorney General

cc: Paloma A. Capanna, Esq., *via CM/ECF*